

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Christopher W. Eckler,
Plaintiff

v.

Civil No. 10-cv-375-SM

Mortgage Electronic
Registration Systems, Inc.,
Defendant

O R D E R

A telephonic hearing was held on plaintiff's motion for a temporary restraining order on August 19, 2010. Plaintiff acted pro se. Defendant was represented by John T. Precobb, Esq.

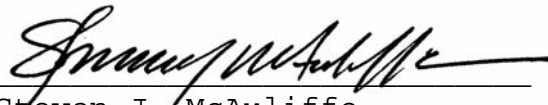
After hearing the parties, the motion was orally denied.

Plaintiff sought an order restraining a scheduled foreclosure sale of real estate, arguing inter alia that the defendant, Mortgage Electronic Registration Systems, Inc., did not have standing to foreclose. Attorney Precobb related, however, that the foreclosing party was actually First Horizon Home Loans. In addition, it appears that First Horizon Home Loans obtained relief from the automatic bankruptcy stay from the bankruptcy court before proceeding (plaintiff sought protection from creditors under the bankruptcy laws). And, while plaintiff made a general claim of right to participate in a loan

modification process, it appears that the property at issue is not plaintiff's residence, but is investment property, and the mortgagee is not obligated to engage in modification procedures. Finally, plaintiff sought identical relief with respect to this property in the New Hampshire Superior Court (Hillsborough County Southern District, Docket No. 10-E-0231), against the mortgagee, First Horizon, which relief was denied on August 5, 2010, after hearing.

As plaintiff did not demonstrate a likelihood of success on the merits on any of his various claims underlying his request for temporary injunctive relief, the motion was necessarily denied.

SO ORDERED.


Steven J. McAuliffe
Chief Judge

August 31, 2010

cc: Christopher W. Eckler, pro se
John T. Precobb, Esq.